

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CHARLES T. GLOVER,

Plaintiff,

v.

CITY OF MILLINGTON, ET AL.,

Defendants.

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Case No. 2:18-cv-02376-JTF-tmp

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
AND DISMISSING CASE WITH PREJUDICE FOR FAILURE TO PROSECUTE**

On June 4, 2018, *pro se* Plaintiff Charles T. Glover filed a Complaint a seeking compensatory damages against Defendants City of Millington, its police department, and three unknown officers. (ECF No. 1.) Plaintiff also filed a Motion seeking leave to proceed *in forma pauperis*, which was granted. (ECF Nos. 2 & 7.) Thereafter, on August 22, 2018, Defendant City of Millington filed a Motion for Partial Judgment on the Pleadings. (ECF No. 11.) Plaintiff failed to timely respond to the Motion, and on October 1, 2018, the Magistrate Judge issued an Order to Show Cause, ordering Plaintiff to explain on or before October 15, 2018, why Defendant’s Motion should not be granted. (ECF No. 14.) The Court also informed Plaintiff that failure to timely respond could result in a partial judgment on the pleadings in favor of Defendant or dismissal of the case with prejudice for failure to prosecute. (*Id.* at 1–2.) Nonetheless, Plaintiff did not file a timely response and, accordingly, the Magistrate Judge issued a Second Order to Show Cause, whereby it extended Plaintiff’s time to respond up to and including November 6, 2018. (ECF No. 15.) Again, the Magistrate informed Plaintiff of the previously-referenced consequences for failing to respond, but again, Plaintiff did not respond.

(ECF No. 15, 1–2.) Accordingly, on November 8, 2018, the Magistrate Judge entered a Report and Recommendation, recommending that Plaintiff’s Complaint be dismissed with prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (ECF No. 16, 2.) No objections were filed in response to the Report and Recommendation.

ANALYSIS

The Magistrate Judge, for purposes of the recommendation, weighed the four factors an appellate court considers in reviewing a district court’s decision to dismiss a case for failure to prosecute, as articulated in *Tung-Hsiung Wu v. T.W. Wang, Inc.*, 420 F.3d 641, 643 (6th Cir. 2005). (ECF No. 16, 2–3.) Specifically, the Magistrate found that this action should be dismissed as a result of the following: (i) Plaintiff’s failure to prosecute is willful given his failure to respond to one motion and two subsequent orders, without explanation; (ii) Defendant has been prejudiced by Plaintiff’s failure to prosecute because it expended time and resources defending the case, including time filing the instant Motion; (iii) Plaintiff was warned that his case could be dismissed if he did not comply with the Court’s Orders; and (iv) under the present circumstances, no sanction less severe than dismissal will cure Plaintiff’s failure to prosecute. (*Id.*) Upon consideration, the Court agrees with and ADOPTS the Magistrate’s Report and Recommendation and finds that, accordingly, this action should be DISMISSED with prejudice.

CONCLUSION

Upon review, the Court hereby **ADOPTS** the Magistrate Judge’s Report and Recommendation to **DISMISS** the above-styled case with prejudice for failure to prosecute.

IT IS SO ORDERED on this 11th day of December 2018.

s/John T. Fowlkes, Jr.
John T. Fowlkes, Jr.
United States District Judge